

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KEITH D. SMITH,

Petitioner,

Case No. 04-71154

v.

Honorable Arthur J. Tarnow
United States District Judge

DOUG VASBINDER,

Respondent.

Magistrate Judge Donald A. Scheer

**ORDER ADOPTING MAGISTRATE'S REPORT AND
RECOMMENDATION [26] AND DENYING PETITIONER'S REQUEST
FOR HABEAS CORPUS RELIEF**

Before the Court is the magistrate's Report and Recommendation (R&R), recommending that the Court deny Petitioner's request for relief under 28 U.S.C. § 2254. Having reviewed the R&R, the state court record, and the objections filed by Petitioner, the Court hereby **ADOPTS** the R&R as the findings and conclusions of the Court. Petitioner's request for *habeas corpus* relief is **DENIED**.

IT IS SO ORDERED.

s/Arthur J. Tarnow

ARTHUR J. TARNOW

UNITED STATES DISTRICT JUDGE

Dated: August 19, 2005